

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION,

Defendant.

CASE NO. C08-5722RJB

ORDER GRANTING UNITED
STATES' MOTION TO REOPEN
CASE

This matter comes before the court on the United States' Motion to Reopen Case (Dkt. 244). The plaintiff asks that the case be reopened for the purpose of determining its Motion to Enforce Declaratory Judgment (Dkt. 245) in which it seeks further response costs. The defendant objects to reopening the case for that purpose.

The Amended Corrected Judgment entered in this case at Docket No. 225 recites, "The liability of the defendant determined here is binding on any subsequent action or actions to recover further response costs." With that language, the court clearly contemplated the possibility of further "action" in this case.

1 It appears also clear that the court has the inherent power to enforce its judgments.

2 It further appears that the Declaratory Judgment Act, 28 U.S.C. § 2202, provides the
3 court with the authority to reopen a case such as this. It further appears that CERCLA in 42
4 U.S.C. § 9613(g)(2) provides authority for action for further response costs.

5 Pursuant to the aforementioned authority, it is appropriate to grant the United States'
6 Motion to Reopen Case (Dkt. 244) for the limited purpose of determining the United States'
7 Motion to Enforce Declaratory Judgment (Dkt. 245).

8 IT IS SO ORDERED.

9 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
10 to any party appearing *pro se* at said party's last known address.

11 Dated this 6th day of June, 2014.

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14 ROBERT J. BRYAN
15 United States District Judge
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